

### **REMARKS**

This Amendment is in response to the non-final Office action mailed on September 29, 2009. In the event any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

### **Status of the Claims**

Claims 28-40 and 42-57 are pending in the application. Claims 1-27 and 41 have been canceled. Claims 28, 29, 31, 36, 38 and 44-51 are withdrawn. The amendments to claim 30 are supported in the specification as originally filed, for example on page 14, second paragraph and page 14, last paragraph (paras. [0062] and [0064] of US 2006-0238600), and do not add any new matter. The amendments to claim 39 are also supported in the specification as originally filed, for example on page 4, second full paragraph (para. [0015] of US 2006-0238600), page 5, third full paragraph (para. [0021] of US 2006-0238600), and page 12, first paragraph (para. [0054] of US 2006-0238600), as well as claim 25 of the application as-filed, and do not add any new matter. The amendments to claim 37 are supported by page 15, second paragraph (para. [0066] of US 2006-0238600), and do not add any new matter. The remaining amendments are formal in nature or are to make the claims read better, and also do not add any new matter.

### **Response to Claim Objections**

Claims 53 and 57 were objected to as depending on withdrawn claim 51. It is believed the Office action intended to object to claim 54, rather than claim 53, inasmuch as claim 54 depended from claim 51, whereas claim 53 depended from independent claim 30. In response to the objection, claim 54 has been amended to depend from claim 30 and claim 57 has been amended to depend on claim 52. It is believed these amendments overcome the objection.

Response to Rejections

Claims 30, 37 and 57 were rejected under 35 U.S.C. § 102 as allegedly anticipated by Cremon et al., U.S. Patent No. 6,802,659 ("Cremon"). Claims 32-35, 39-43, 52-55 and 57 were rejected under 35 U.S.C. § 103 as allegedly unpatentable over Cremon. It is respectfully submitted that the claims, as amended, are novel and non-obvious over Cremon.

Cremon, beginning at column 5, line 32, teaches that a code can be read by a printer from an RFID tag mounted on a roll. The reference explains that code is usable for controlling the layout of labels to be printed. However, there is no teaching in Cremon of a consumable with a tag which holds a set of templates, each template comprising a format suitable for printing on the size of image receiving tape comprised in the consumable, such as recited in claim 30.

Given that Cremon discloses receiving a code from an RFID tag, it is implied that the printer would then need to consult a look-up table or other memory in order to determine the layout of a label to be printed. In contrast, some embodiments of the Applicants' present disclosure, as claimed, enable a printer to be provided with a template/layout suitable for printing on a particular tape without having to consult such a look-up table or other memory. This reduces the amount of processing to be carried out in the printer, allowing a template to be presented to a user quickly.

As to claim 37, there is no teaching in Cremon of a tag which holds parameter information comprising a torque value with which a thermal transfer material is to be wound up in a printer. Indeed, Cremon is entirely silent as to determining a torque value with which any material is to be wound up in a printer.

Some embodiments of the Applicants' present disclosure, as claimed, enable a printer to determine a suitable torque value for winding up a thermal transfer material in a printer, by

detecting the torque value directly from a tag on the consumable comprising the thermal transfer material. As such, the printer does not need to calculate or otherwise determine a torque value from other information, such as other information stored on a consumable or otherwise relating to the consumable, and a suitable torque value can be quickly determined and applied. Winding a thermal transfer material with a suitable torque value helps to avoid damaging (*e.g.*, stretching) the thermal transfer material. It is therefore respectfully submitted that claim 37, as amended, is not anticipated by Cremon.

Claim 32, as amended, would not have been obvious to one of ordinary skill in the art from Cremon. Cremon is silent as to identifying a printable area of a preformed label, let alone a tag on a consumable holding information identifying such a printable area.

Cremon teaches at Column 8, line 10, that an RFID tag can hold information including label dimensions. However, the dimensions of a label are not the same as a printable area of a label. For example, a self-laminating label will have a non-transparent printable area, and a transparent non-printable area, as implied in the present application at page 15, lines 9 and 10. If such a label was used in the system of Cremon, then the label dimensions held in the RFID tag would only indicate the dimensions of the self-laminating label as a whole, and not only the nontransparent, printable area of label.

Some embodiments of the Applicants' present disclosure, as claimed, enable a printer to more accurately determine the printable area of a label, as opposed merely to the overall dimensions of a label. Thus, it may be ensured that printing is carried out only on the printable area and not on other non-printable areas of the label. As such, it is respectfully submitted that Claim 32 is patentable over Cremon.

Claim 39 is also rejected as being obvious to one of ordinary skill in the art based on Cremon. It is respectfully submitted that claim 39, as amended, would not have been obvious to one of ordinary skill in the art at the time of the invention based on Cremon. As amended, claim 39 recites, in part: “a tag holding a prestored message to notify a user to order more tape when there is insufficient length of image receiving tape remaining for a printing operation ....” Cremon does not mention a tag on a consumable which holds a prestored message to notify a user to order more tape when there is insufficient length of image receiving tape remaining for a printing operation. Indeed, Cremon is silent as to storing any prestored message in a tag of a consumable.

By way of example, as recited in claim 42, a prestored message may include an indication as to details for contacting a dealer or seller of suitable tape. This would ensure that the user of the printer would order authentic tape for the printer, thereby avoiding problems that may be caused by alternatively ordering and attempting to use non-authentic, sub-standard tape, such as compatibility problems. Moreover, by providing a prestored message, the user of the printer is given a clear indication as to why an expected printing operation has not commenced or completed.

Regarding claim 52, it is respectfully submitted that Cremon discloses a roll holding distinct labels, rather than a continuous supply of image receiving tape. According to the teaching in Cremon at column 10, lines 47-50, it is implied that the printer counts the number of distinct labels upon which it prints, in order to keep track of how many labels remain in the consumable for future printing operations. Moreover, the number of labels remaining in the roll appears to be written to the RFID tag on the roll of Cremon (see column 8, lines 18-23). There is no teaching in Cremon of an image receiving substrate having markings which allow tape users

to be monitored, and no teaching of tag on a consumable holding status information which identifies the length of image receiving tape remaining in the consumable.

Some embodiments of the Applicants' present disclosure, as claimed, provide a significant advantage in light of the system of Cremon, since they allow continuous image receiving tape to be used in a printer for the formation of labels of varying lengths, while still allowing the printer to monitor the length of image receiving tape remaining. If labels of varying lengths were included on the roll used in the system of Cremon, then the printer in Cremon would maintain an inaccurate count of the remaining amount of tape left on the roll. As such, Claim 52 is respectfully submitted to be both novel and non-obvious to one of ordinary skill in the art at the time of the invention over Cremon.

### **Conclusion**

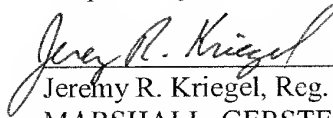
Based on the foregoing amendments and remarks, it is respectfully submitted that claims 30, 32-35, 37, 39-40, 42-43 and 52-57 as presently pending in the present application are in condition for allowance. In the event of an indication of allowability of these claims, and in the absence of withdrawal of the election/restriction requirement, the Applicants will cancel the withdrawn claims, without prejudice to pursuing such claims in one or more divisional applications.

U.S. Appl. No. 10/540,750  
Amendment dated December 29, 2009  
Reply to Office action mailed September 29, 2009

If any fees are necessary in connection with the present Amendment, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Date: December 29, 2009

Respectfully submitted,

A handwritten signature in cursive script, reading "Jeremy R. Kriegel", is written over a horizontal line.

Jeremy R. Kriegel, Reg. No. 39,257  
MARSHALL, GERSTEIN & BORUN LLP  
233 South Wacker Drive, 6300 Sears Tower  
Chicago, Illinois 60606  
Tel. (312) 474-6300  
Fax (312) 474-0448

Attorney for Applicants